

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M Wells Building
160 East 300 South
P O Box 146741
Salt Lake City UT 84114-6741
Telephone (801) 530-6628

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

**IN THE MATTER OF THE LICENSE OF
JERRALD K BOONE GENERAL
CONTRACTOR
TO PRACTICE AS A CONTRACTOR
IN THE STATE OF UTAH**

**AMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

Case No DOPL-2011-227

This amended order is to reissue the order dated August 31, 2011 to delete items that were erroneously included in the August 31, 2011 order

FINDINGS OF FACT

1 The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 29th day of June 2011

2 This action is based upon Division records as reflected in the Notice of Agency Action filed herein which show that JERRALD K BOONE GENERAL CONTRACTOR, (the "Respondent"), failed to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306

3 Respondent has failed to respond to the Notice of Agency Action and, according to Division records, has failed to demonstrate and maintain financial responsibility as outlined above, which constitutes a basis to sanction Respondent's license pursuant to Utah Code Annotated Subsections 58-1-401(1) and (2)

CONCLUSIONS OF LAW

4 Respondent's failure to respond to the Notice of Agency Action constitutes a sufficient basis for entry of default against Respondent

5 The Notice of Agency Action and documents attached thereto provide a basis to conclude that Respondent has failed to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306. Based on these violations, Respondent has engaged in unprofessional conduct as defined by Utah Code Annotated Subsection 58-1-501(2)(a), and Respondent no longer meets the qualification for licensure as provided by Utah Code Annotated Section 58-55-306.

6 The Division is authorized to revoke Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(1) because Respondent no longer meets the qualifications for licensure as required by Utah Code Annotated Subsection 58-55-102(19).

7 The Division is authorized to revoke Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(2)(a), for engaging in unprofessional conduct, and as provided by Utah Code Annotated Subsection 58-1-501(2)(a), for failure to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306.

ORDER

WHEREFORE, IT IS ORDERED Respondent's default is hereby entered.

WHEREFORE, IT IS ORDERED Respondent's license to practice as a contractor in this state is revoked, effective on August 31, 2011.

On behalf of the Construction Services Commission and the Division of Occupational and Professional Licensing, I hereby certify that the foregoing Amended Findings of Fact, Conclusions of Law, and Order were submitted to the Construction Services Commission and the Division on the 5th day of October 2011 for their review and action.


Dan S. Jones, Bureau Manager

ORDER

THE ABOVE AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER in the matter of JERRALD K BOONE GENERAL CONTRACTOR, are hereby adopted by the Construction Services Commission of the State of Utah

DATED this 5 day of Oct, 2011

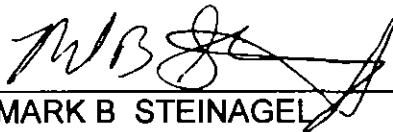


CONSTRUCTION SERVICES COMMISSION
Representative

I concur with the above Order, which the Construction Services Commission has approved

DATED this 6 day of October, 2011

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B STEINAGEL
Director

Pursuant to Utah Code Ann Subsection 63G-4-209(3), Respondent may seek to set aside the above-stated default order by filing such a request with the Division consistent with procedures outlined in the Utah Rules of Civil Procedure

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**IN THE MATTER OF THE LICENSE OF
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TO PRACTICE AS A CONTRACTOR
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**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

Case No DOPL-2011-227

FINDINGS OF FACT

1 The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 29th day of June 2011

2 This action is based upon Division records as reflected in the Notice of Agency Action filed herein which show that JERRALD K BOONE GENERAL CONTRACTOR, (the "Respondent"), failed to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306 This action is also based on Respondent's misrepresentation or omission in connection with an application or renewal of a license, in violation of Utah Code Annotated Subsection 58-55-501(9)

3 Respondent has failed to respond to the Notice of Agency Action and, according to Division records, has failed to demonstrate and maintain financial responsibility as outlined above In addition, as outlined above, Respondent has obtained a license by misrepresentation or omission, which constitutes a basis to sanction Respondent's license pursuant to Utah Code Annotated Subsections 58-1-401(1) and (2)d Utah Code Annotated subsection 58-55-503(4)

CONCLUSIONS OF LAW

4 Respondent's failure to respond to the Notice of Agency Action constitutes a sufficient basis for entry of default against Respondent

5 The Notice of Agency Action and documents attached thereto provide a basis to conclude that Respondent has failed to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306. Further, Respondent has engaged in unlawful conduct by misrepresentation or omission in violation of Utah Code Annotated Subsection 58-55-501(9), and this conduct constitutes a basis to sanction Respondent's license pursuant to Utah Code Annotated Subsection 58-55-503(4). Based on these violations, Respondent has engaged in unprofessional conduct as defined by Utah Code Annotated Subsection 58-1-501(2)(a), and Respondent no longer meets the qualification for licensure as provided by Utah Code Annotated Section 58-55-306.

6 The Division is authorized to revoke Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(1) because Respondent no longer meets the qualifications for licensure as required by Utah Code Annotated Subsection 58-55-102(19).

7 The Division is authorized to revoke Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(2)(a), for engaging in unprofessional conduct, and as provided by Utah Code Annotated Subsection 58-1-501(2)(a), for failure to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306.

8 The Division is authorized to impose a fine against Respondent as provided in Utah Code Annotated Subsection 58-55-503(4), for engaging in unlawful conduct as provided by Utah Code Annotated Subsection 58-55-501(9) because Respondent obtained a license by misrepresentation or omission.

ORDER

WHEREFORE, IT IS ORDERED Respondent's default is hereby entered.

WHEREFORE, IT IS ORDERED Respondent's license to practice as a contractor in this state shall be revoked, effective on the date this order is signed.

WHEREFORE, IT IS ORDERED Respondent shall be assessed a fine in the amount of \$500.00, which must be paid to the Division within 30 days of the date this order is signed.

1

On behalf of the Construction Services Commission and the Division of Occupational and Professional Licensing, I hereby certify that the foregoing Findings of Fact, Conclusions of Law, and Order were submitted to the Construction Services Commission and the Division on the 31st day of August 2011 for their review and action



Dan S Jones, Bureau Manager

ORDER

THE ABOVE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER in the matter of JERRALD K BOONE GENERAL CONTRACTOR, are hereby adopted by the Construction Services Commission of the State of Utah

DATED this 31 day of Aug, 2011


CONSTRUCTION SERVICES COMMISSION
Representative

I concur with the above Order, which the Construction Services Commission has approved

DATED this 31 day of August, 2011

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B STEINAGEL
Director

Pursuant to Utah Code Ann Subsection 63G-4-209(3), Respondent may seek to set aside the above-stated default order by filing such a request with the Division consistent with procedures outlined in the Utah Rules of Civil Procedure